

REPORT OF THE COMMITTEE ON CRIMINAL JUSTICE

MARCH 16, 200910

REVISED ON MARCH 18, 2010

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Collins, Vice Chairman Beavers and Commissioners Butler, Claypool, Daley, Gorman, Goslin, Moreno, Murphy, Peraica, Reyes, Schneider, Silvestri, Sims, Suffredin and Steele (16)

Absent: Commissioner Gainer (1)

Also Present: Patrick Driscoll - Deputy State's Attorney, Chief, Civil Actions Bureau; Jesse Reyes - Director of Social Services, Acting Chief Probation Officer; and Zelda Whittler - Under Sheriff

Ladies and Gentlemen:

Your Committee on Criminal Justice of the Board of Commissioners of Cook County met pursuant to notice on Tuesday, March 16, 2010 at the hour of 9:00 A.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following items and, upon adoption of this report, the recommendation is as follows:

304533 A RESOLUTION TO CONDUCT A FEASIBILITY STUDY FOR ESTABLISHING A REVOLVING BOND LOAN FUND (PROPOSED RESOLUTION) Submitting a Proposed Resolution sponsored by Earlean Collins, County Commissioner.

PROPOSED RESOLUTION

WHEREAS, Cook County is a home rule unit of local government pursuant to Article 7, Section 6(a) of the Illinois Constitution of 1970 with power to regulate those matters which pertain to it's governmental affairs; and

WHEREAS, Cook County is committed to public safety and maintaining compliance with the Federal court's Duran Decree at Cook County Jail; and

WHEREAS, the constant increase in crime due to the rapid increase in unemployment coupled with the thousands of former inmates released from prison without any job opportunities or skills to provide a living for themselves pose serious challenges to the Cook County budget to carry out our mission; and

WHEREAS, Cook County Jail has an overwhelming number of detainees who are awaiting trials for minor charges who pose no real flight risk or harm to themselves or others; and

WHEREAS, such detainees could be diverted to alternative monitoring systems outside of Cook County Jail; and

WHEREAS, when inmates are housed in Cook County Jail they lose all of their health benefits and Cook County has to shoulder the burden of the cost for health, security and other necessities which is putting a serious strain on our budget in addition to keeping Cook County from maintaining compliance with the decree; and

WHEREAS, the County will be more financially responsible if they established a Revolving Loan Fund which would loan bond amounts to persons arrested for minor crimes. Qualified persons must be employed at time of arrest, with a good work history, agree to continue to work to enter into a payback agreement plan that would allow payments of the loan to be deducted from their employment checks and sent directly to the loan fund.

NOW, THEREFORE, BE IT RESOLVED, that the Judicial Advisory Council President and the Cook County Board of Commissioners conduct a feasibility study for establishing a Revolving Bond Loan Fund as well as the existing Bond process for qualified arrestees awaiting trial and all other existing Bond Programs in order to eliminate the cost of housing them in jail and to ensure public safety.

***REFERRED TO THE COMMITTEE ON CRIMINAL JUSTICE 1/12/10.**

Commissioner Murphy, seconded by Commissioner Reyes, moved to amend Communication No. 304533 indicated above with bold and underlined text. The motion to amend carried.

Commissioner Murphy, seconded by Commissioner Sims, moved to approve Communication No. 304533 as amended. The motion carried.

Commissioner Claypool voted No on Communication No. 304533.

304534 AN AMENDMENT TO THE SUBSTITUTE ORDINANCE OF THE COOK COUNTY JAIL DIVERSION PILOT PROGRAM FOR ADULTS AND YOUTH (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Earlean Collins, County Commissioner.

The following is a synopsis of the Proposed Ordinance Amendment:

PROPOSED ORDINANCE AMENDMENT

**AMENDMENT TO THE SUBSTITUTE ORDINANCE
COOK COUNTY JAIL DIVERSION PILOT PROGRAM FOR ADULTS AND
YOUTH**

ARTICLE I. GENERAL PROVISIONS

Section 1.1 Short Title.

Section 1.2 Preamble.

WHEREAS, the County of Cook is a home rule unit of government as defined in Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Cook County has an ongoing responsibility for protecting the health and safety of its residents and remains committed to public service that is efficient, equitable and accountable; and

WHEREAS, approximately 15% of the jail population is diagnosed with mental illness and if coupled with the population suffering with substance abuse disorder the number increases to approximately 60%. The rate of recidivism for those not receiving service intervention ranges from 60-70%; and

WHEREAS, for each non-violent offender who is diverted from incarceration Cook County saves an estimated \$1,800 per month by avoiding the cost of prosecution and court expenses not including the cost of healthcare; and

WHEREAS, it has been documented that the number of arrests, the length of jail time, as well as hospital stays among the mentally ill are substantially reduced when diversionary measures are employed that provide appropriate assessment and treatment as an alternative to incarceration; and

WHEREAS, some diversionary methods are currently employed and among the most successful are the Mental Health court, the Drug Court, the Juvenile Delinquency Screening Diversion and small programs initiated at some of Chicago's local police districts; and

WHEREAS, the establishment of a Cook County Jail Diversion ~~Pilot~~ Program, in partnership with the State of Illinois, local law enforcement, and community based mental health and social service providers, will reduce Cook County's jail population and improve the quality of mental healthcare in Cook County.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND COOK COUNTY BOARD OF COMMISSIONERS TO ESTABLISH A COOK COUNTY JAIL DIVERSION ~~PILOT~~ PROGRAM FOR MENTALLY ILL AND/OR MENTALLY ILL WITH CO-OCCURRING SUBSTANCE ABUSE DISORDER ARRESTEES.

ARTICLE II. DEFINITIONS.

Section 2.1 Definitions

Section 3.1 Purpose

Section 3.2 Scope of Program

- Section 3.3 Target Population
- Section 3.4 Eligibility
- Section 3.5 Types of Jail Diversion Programs

ARTICLE IV. PROGRAM PREREQUISITES

- Section 4.1 Intergovernmental Agreement - Memorandum of Understanding
- Section 4.2 Funding

ARTICLE V. ADVISORY PANEL

- Section 5.1 Purpose
- Section 5.2 Structure
- Section 5.3 Responsibilities of Advisory Panel

ARTICLE VI. ESTABLISHMENT OF DATABASES

- Section 6.1 Establishment of Databases

ARTICLE VII. EVALUATIONS

- Section 7.1 Police Evaluations
- Section 7.2 Performance Measurement Standards

ARTICLE VIII. APPLICABILITY

ARTICLE IX. SEVERABILITY

ARTICLE X. EFFECTIVE DATE

- Section 10.1 Effective Date.

***REFERRED TO THE COMMITTEE ON CRIMINAL JUSTICE 1/12/10.**

Commissioner Murphy, seconded by Commissioner Reyes, moved to ~~adopt~~ accept the Substitute Ordinance ~~amendment~~ for Communication No. 304534. The motion carried.

Substitute Ordinance ~~Amendment~~

PROPOSED ORDINANCE AMENDMENT

Sponsored by

THE HONORABLE EARLEAN COLLINS, COUNTY COMMISSIONER

AMENDMENT TO JAIL DIVERSION ~~PILOT~~ PROGRAM ORDINANCE

WHEREAS, the County of Cook is a home rule unit of government as defined in Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Cook County has an ongoing responsibility for protecting the health and safety of its residents and remains committed to public service that is efficient, equitable and accountable; and

WHEREAS, approximately 15% of the jail population is diagnosed with mental illness and if coupled with the population suffering with co-occurring substance abuse disorder the number increases to approximately 60%. The rate of recidivism for those not receiving service intervention ranges from 60-70%; and

WHEREAS, for each non-violent offender who is diverted from incarceration Cook County saves an estimated \$1,800 per month by avoiding the cost of prosecution and court expenses not including the cost of healthcare; and

WHEREAS, it has been documented that the number of arrests, the length of jail time, as well as hospital stays among the mentally ill are substantially reduced when diversionary measures are employed that provide appropriate assessment and treatment as an alternative to incarceration; and

WHEREAS, some diversionary methods are currently employed and among the most successful are the Mental Health court, the Drug Court, the Juvenile Delinquency Screening Diversion and small programs initiated at some of Chicago's local police districts; and

WHEREAS, the establishment of a Cook County Jail Diversion Program, in partnership with the State of Illinois, local law enforcement, and community based mental health and social service providers, will reduce Cook County's jail population and improve the quality of mental healthcare in Cook County.

NOW THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 46 Law Enforcement, Article IV, Sec. 46-171 through Sec. 46-307 of the Cook County Code is hereby amended as follows:

ARTICLE IV. JAIL DIVERSION ~~PILOT~~ PROGRAM

DIVISION 1. GENERALLY

Sec. 46-171. Short title.

This article shall be cited and may be known as the Cook County Jail Diversion ~~Pilot~~ Program for Adults and Youth.

Sec. 46-172. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appropriate authorities. The Circuit Court of Cook County, the State's Attorney of Cook County, the Sheriff of Cook County, the Public Defender of Cook County, and local law enforcement.

Case management. The process of assisting and monitoring target population detainees in achieving their individualized treatment plan consistent with their diversion plans.

Class 4 felony. An offense for which a sentence to a term of imprisonment of one to three years in a penitentiary and/or a fine of up to \$25,000.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-8-1 and 730 ILCS 5/5-9-1)

Community based mental health service providers. Mental health service providers working within local organization and health facilities.

Co-occurring substance abuse disorder. Mentally ill detainees with addictions to alcohol, drugs and/or other chemical substances (M.I.S.A.).

Crisis intervention. To safely intervene with people in crisis in order to stabilize a crisis situation while minimizing the risk of harm to the individual and all persons involved.

Diversion. A program that diverts target population detainees from jail in accordance with standardized procedures established by the Advisory Board in conjunction with the appropriate authorities, the detainee and/or their legal representative.

Diversion plan. An individualized community based treatment and supportive service plan as an alternative to incarceration with a focus on minimizing repeat unlawful conduct.

Diverted detainee. A target population detainee who is approved by the appropriate authorities for diversion.

Felony. An offense for which a sentence to death or to a term of imprisonment in a penitentiary for one year or more is provided. (720 ILCS 5/2-7)

Mental health assessment. An examination by a licensed mental health service provider and, if applicable, by a substance abuse service provider.

Mental health service providers. Mental health service provider with expertise in providing comprehensive psychological, emotional and/or psychiatric services, in accordance with the Illinois Mental Health and Developmental Disabilities Code, 405 ILCS 5/1 et seq., and consistent with standards adopted by recognized professional mental health service provider associations including the Illinois Psychological Association.

Mentally ill. Persons who have been clinically diagnosed with a mental illness including persons with co-occurring substance abuse disorder.

Misdemeanor. Any offense for which a sentence to a term of imprisonment, other than to a penitentiary, for less than one year may be imposed (720 ILCS 5/2-11):

(1) *Class A.* An offense for which a sentence to a term of imprisonment, other than in a penitentiary, of up to one year and/or a fine of up to \$25,000.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-9-1 and 730 ILCS 5/5-8-3)

(2) *Class B.* An offense for which a sentence to a term of imprisonment, other than in a penitentiary, of up to six months and/or a fine of up to \$1,500.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-9-1 and 730 ILCS 5/5-8-3)

(3) *Class C.* An offense for which a sentence to a term of imprisonment, other than in a penitentiary, of up to 30 days and/or a fine of up to \$1,500.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-9-1 and 730 ILCS 5/5-8-3)

Post booking diversion. Diversion agreed to by the State's Attorney's Office after the arrest of a detainee as an alternative to prosecution.

Pre-booking diversion. Diversion agreed to by local law enforcement authorities prior to any formal charges being filed against a detainee.

Provider. A mental health service provider or a substance abuse service provider.

Special Court. Cook County Mental Health Court.

Substance Abuse. A pattern of harmful use of alcohol or drug use for mood altering purposes.

Substance abuse service providers. Individuals in local organizations and health facilities with expertise in providing comprehensive assessments and treatment services in accordance with the Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301/1 et seq., as administered by the Illinois Department of Human Services, formerly known as the Illinois Department of Alcoholism and Substance Abuse.

Target population detainees. People with mental illness, including those with co-occurring substance abuse disorder, with a primary focus on offenders within the jurisdiction of agreed upon police districts within the City of Chicago and the Village of Maywood, the jurisdiction of the Juvenile Court and misdemeanor courts of the District 4, Maywood Courthouse of the Circuit Court of the County and the jurisdiction of the Mental Health Court located at the Criminal Court Building in the City of Chicago.

Third party health coverage. Health coverage provided by a public or private reimbursement program including but not limited to Medicaid or Medicare.

Sec. 46-173. Applicability of article.

(a) As provided in Article VII, Section 6(c), of the State of Illinois Constitution of 1970, if this article conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within the municipality. This article shall be enforceable within the municipal jurisdiction to the extent permitted under the statutes and constitution of the State of Illinois and of the United States of America.

(b) Nothing in this article shall be construed to compel law enforcement officers, the State's Attorney's Office, the Public Defender's Office, the Circuit Court of the County or any office or agency working with those offices in the administration of the criminal justice system to take any action which is inconsistent with the judgment and decisions of those offices or to act in a manner which is contrary to existing law. To the extent that any provision of this article requires express statutory authorization, the approval of any official or requires an agreement between the affected parties, this article shall be contingent upon such statutory authorization, approval or agreement.

Sec. 46-174. Implementation dates.

(a) Within six weeks of the passage of Ordinance No. 05-O-46 an Advisory Panel shall be appointed and approved.

(b) The Jail Diversion ~~Pilot~~ Program shall take effect six months after the creation of the Advisory Panel.

(c) The Jail Diversion ~~Pilot~~ Program shall run for a period of 18 months.

(d) Within one year after the implementation of this ~~Pilot~~ Program, the Advisory Panel shall report to the County Board regarding the number of arrestees diverted, the cost benefits to the County, the effectiveness and future viability of an expanded County wide jail diversion program.

DIVISION 2. PROGRAM ESTABLISHED

Sec. 46-201. Purpose.

The purposes of the County Jail Diversion ~~Pilot~~ Program are to:

(1) Improve public safety by establishing partnerships and cooperative working relationships between state, federal and local units of government and community based service providers for the housing and treatment of the mentally ill population in the County.

(2) Provide mentally ill and substance abuse offenders with improved access to the appropriate assessment and treatment services.

(3) Reduce rates of recidivism among mentally ill and substance abuse offenders.

(4) Reduce the jail population in the County.

- (5) Assist in maintaining compliance with the Federal consent decree on jail overcrowding.
- (6) Afford equal access to all people, without regard to race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, housing, or any other protected category established by law, to alternatives to incarceration.
- (7) Improve positive relationships between target population citizens and law enforcement officers.
- (8) Ease the financial burden on County taxpayers for the cost of treatment for the aforementioned population in the County correctional system.

Sec. 46-202. Scope.

The County Board calls upon persons responsible for the administration of the criminal justice system with the County and the officials and community service providers responsible for mental health services in the State of Illinois to work together to develop improved and expanded diversion programs for person suffering from mental illness and ~~mental illness with co-occurring substance abuse disorder on a pilot program basis~~ in order to determine how such programs might be expanded to promote treatment as an alternative to incarceration on a broader scale within the County.

(1) *Assessments.* Detainees who are considered for diversion must agree to undergo an individualized mental health and physical evaluation and assessment and to accept referrals for appropriate services including housing and case management. The program must be designed to reduce the number of mentally ill and substance abuse detainees entering into the County jail and afford greater opportunities for crisis intervention and essential supportive services.

(2) *Provider service standards.* To the extent possible, Mental Health and Substance Abuse Disorder Service Providers who participate in the jail diversion program shall be those who are already receiving funds from Federal, State, County, and/or local units of governments for Mental Health and Substance Abuse Disorder services. All County funding for such services, if any, shall be performance based and any renewal shall be contingent upon the quality and quantity of service rendered the previous year. Each participating diverted detainee must have an individualized service plan which shall be developed by a licensed professional in the State in the field of mental health and substance abuse disorder. This plan must be in collaboration with the appropriate law enforcement officials and the criminal justice system when applicable. The treatment plan shall be consistent with the Illinois Mental Health and Developmental Disabilities Code, 405 ILCS 5/1 et seq., and in accordance with the Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301/1 et seq., standards adopted by recognized professional mental health and substance abuse service provider associations including the Illinois Psychological Association, and the Illinois Department of Human Services.

(3) *Regional crisis resources for law enforcement.* A regional 24-hour crisis intervention resource center, operated by a lead agency, shall be established to be utilized by local law enforcement when there is no available service in the impacted area. The crisis center shall assist local law enforcement, including any law enforcement crisis intervention teams, when called upon to stabilize a crisis situation involving a mentally ill and substance abuse offender.

The crisis center and the crisis intervention team shall be subject to funding by the intergovernmental agreement established in accordance with provisions set forth in Division 3 of this article.

(4) *Third party health care reimbursement sources.* In those cases where a diverted detainee does not have a source of third party health coverage, the County Bureau of Health Services shall make every concerted effort to assist the diverted detainee in making application for any third party health care reimbursement.

Sec. 46-203. Target population.

The County's Jail Diversion ~~Pilot~~ Program shall focus on the following categories of detainees with a primary focus on offenders within the jurisdiction of agreed upon police districts within the City of Chicago and the Village of Maywood, the jurisdiction of the Juvenile Court and misdemeanor courts of the District 4, Maywood Courthouse of the Circuit Court of Cook County and the jurisdiction of the Mental Health Court located at the Criminal Court Building in the City of Chicago:

(1) Mentally ill detainees and substance abuse detained for Class A, B and C misdemeanors which are nonviolent.

(2) Mentally ill detainees and substance abuse detained for non-violent Class 4 felony offenses.

Sec. 46-204. Eligibility.

For pre-booking jail diversion there is no mandatory requirement that a diverted detainee first plead guilty to an offense prior to participating in a diversion program.

Sec. 46-205. Types of jail diversion programs.

(a) This jail diversion ~~pilot~~ program is designed to strengthen existing jail diversion efforts which are currently used by some local law enforcement officials such as station adjustments, peer juries, special courts, and other alternatives to incarceration.

(b) This Jail Diversion ~~Pilot~~ Program will include four types of diversion, each of which shall be subject to the approval of the appropriate authorities and have agreed-upon conditions by all parties involved, the agreement shall be tailored to particular circumstances, for which diverted detainees shall be held accountable. The four categories of diversion are as follows:

(1) *Pre-booking diversion.* Pre-booking diversion may be sought by local law enforcement for mentally ill detainees and substance abuse, booked for Class B and C misdemeanors, as often as possible. The arresting officer shall be the first line of contact and shall be encouraged to take the following basic steps prior to any official charges for minor and/or nuisance crimes:

a. Attempt to resolve any crisis without harm to the suspect, general public, or law enforcement officials.

- b. Refer directly to a hospital or treatment center when appropriate.
- c. Contact parent or guardian if mentally ill and substance abuse detainee is under 17.
- d. Evaluate the situation and determine if the suspect is potentially divertible.
- e. Determine if detainee can be sent to his or her residence under conditions agreed upon by law enforcement, detainee, parent(s) or guardian, and the victim of the crime.
- f. Contact a community based mental health and substance abuse service provider when appropriate for proper assessment and referral for services.
- g. If no community based mental health and substance abuse service provider is available contact the 24-hour regional crisis center for crisis intervention.
- h. In cases where the detainee has caused injury to a person or damage to one's property, the appropriate authorities shall be encourage to explore all efforts for restitution as a condition of pre-booking diversion.
- i. Complete a detailed incident report.

(2) *Post-booking diversion.* This category of diversion may be sought by the State's Attorney for mentally ill and substance abuse detainees who are detained for crimes that constitute Class A misdemeanors and Class 4 felonies and which are nonviolent. The State's Attorney may seek a pre-arraignment investigation which may include, but need not be limited to, assessment by a mental health and substance abuse service provider to determine whether the suspect is eligible for diversion. If a diversion plan is agreed upon by all parties involved, it may include a requirement that the diverted detainee adhere to an individualized treatment and service plan developed by an appropriate clinician, provision for restitution with respect to injuries or property damage caused by the diverted detainee and may identify a case manager who shall monitor the diverted detainee's compliance with the diversion plan and report on such compliance as required in the diversion plan.

(3) *Pre-trial diversion to special courts.* This level shall continue to emphasize proper assessment and speedy trials for those detainees who have been diagnosed by the appropriate clinicians as being mentally ill or ~~mentally ill with co-occurring~~ diagnosed with ~~mentally ill with co-occurring~~ substance abuse disorders. If a detainee has been diagnosed as being mentally ill or diagnosed with ~~mentally ill with co-occurring~~ substance abuse disorders and is held over for trial the detainee shall have immediate access to the appropriate treatment services. The case should be referred to the appropriate special courts for a speedy trial. This category of diversion is subject to the approval of the court.

(4) *Post-adjudication diversion.*

- a. This category of diversion is for persons adjudicated guilty of an offense by the courts. In cases where a person has also been found, by a licensed clinician, as being mentally ill and suffering with substance abuse it has been agreed on by the courts that a diversion plan may be developed, that person shall be eligible for immediate treatment.

b. This category of diversion consists of dispositions in the Juvenile Court and the misdemeanor courts within the jurisdiction of the District 4, Maywood Courthouse of the Circuit Court of Cook County and the Mental Health Court. In appropriate cases as ordered by the court, a diversion plan may be developed as a condition of a defendant's probation or supervision. The court may consider assignment of a case manager to monitor the defendant's compliance with the diversion plan and may require notification of the arresting law enforcement agency or other parties prior to the defendant's release from custody or discharge from hospitalization for mental health or substance abuse treatment.

(c) *Resumption of prosecution.* Failure to comply with the diversion plan shall subject the diverted detainee to further prosecution.

Sec. 46-206. Crisis intervention training.

The intergovernmental agreement shall explore funding and promotion of training opportunities for law enforcement and service providers with respect to crisis intervention involving persons with mental illness and substance abuse which shall include recognition of mental illness and substance abusers, knowledge of available local resources and the use of less than lethal force.

Sec. 46-207. Confidentiality.

The rules of confidentiality, as set forth under the Illinois Mental Health and Developmental Disabilities Code and Alcoholism and Other Drug Abuse and Dependency Act and other applicable State, Federal and local laws, shall be adhered to.

DIVISION 3. PROGRAM PREREQUISITES

Sec. 46-231. Intergovernmental agreement; memorandum of understanding.

In order to implement the Jail Diversion ~~Pilot~~ Program, the County Board requests that one or more Memoranda of Understanding (MOU) or Intergovernmental Agreements be developed between the appropriate authorities including, but not limited to, the County of Cook, the State of Illinois, the Circuit Court of Cook County, the State's Attorney of Cook County, the Sheriff of Cook County and participating units of local government on behalf of their respective police departments. The agreements shall address the following:

- (1) The roles of the State of Illinois, the County of Cook, and community mental health (708) boards in funding and providing services for the target population detainees in the County.
- (2) The feasibility of improved service coverage for diverted detainees through shared resources.
- (3) The establishment and funding of a 24-hour Crisis Intervention Center to assist police departments with crises involving mentally ill offenders.
- (4) Standardized policies and procedures to ensure equal opportunity for all mentally ill and ~~mentally ill with co-occurring~~ substance abuse disorder population to participate in a diversion program not withstanding their place of residence.

Sec. 46-232. Funding.

Mental health and substance abuse service providers participating in the County Jail ~~Pilot~~ Diversion Program shall seek reimbursement for their services from third party reimbursement sources (i.e. Kidcare, Medicare/Medicaid, and/or private insurance entities) and, where applicable, may be compensated through federal, state and local grants. Subject to the appropriation and availability of funds and to the enactment of an ordinance establishing programmatic requirements, the County shall create a revolving loan fund program to assist community based providers with cash flow problems resulting from delays in reimbursement for diverted detainees from third party reimbursement sources. Service providers shall not be eligible to apply for a revolving loan fund unless reimbursement from the third party reimbursement source is at least 45 days late.

DIVISION 4. ADVISORY PANEL

Sec. 46-256. Purpose.

(a) The purpose of the Advisory Panel is to establish a strong advocacy and resource group to enhance the County's effort to improve the quality of mental health services for the mentally ill and substance abuse population in the County and to reduce this population in our the County jail.

(b) The 13-member panel shall be composed of persons with expertise in law enforcement, criminal justice, assessment and treatment of the mentally ill and substance abuse population.

Sec. 46-257. Structure.

(a) A 13-member Advisory Panel is established to report to the County Board regarding the implementation and evaluation of the County Jail Diversion ~~Pilot~~ Program.

(b) The Advisory Panel shall consist of 13 members as follows: one appointed by the Chief Judge, one appointed by the Cook County Sheriff, two appointed by the State's Attorney, one appointed by the Public Defender, two appointed by the City of Chicago, one appointed by the Village of Maywood, and five appointed by the President of the County Board from among the following: one selected from the Bureau of Health Services, one selected from University of Illinois Jane Addams School of Social Work, one selected from Illinois Community Mental Health Providers Association, and two selected from Consumer Organizations with one representing mental health.

(c) This Advisory Panel's composition will reflect the demographics of the County as a whole. The panel shall select officers from among its membership.

Sec. 46-258. Responsibilities.

The Advisory Panel shall:

- (1) Recommend administrative policies and procedures for implementation of the County Jail Diversion Program.
- (2) Identify current federal and state funding resources for services to the mentally ill and substance abuse detainee population.
- (3) Develop a feasibility study to determine the availability of essential mental health and substance abuse disorder services at the community level to ensure a successful mental health and substance abuse diversion program for both youth and adults.
- (4) Recommend a structure for maximizing the use of existing resources and making them readily available to law enforcement for appropriate referrals.
- (5) Assist in establishing a collaborative relationship between the State, the County, local municipalities and local community based mental health and substance abuse disorder service providers with emphasis on mutual goals, shared responsibilities and benefits.
- (6) Review existing training curriculum for law enforcement officials and make recommendations for change to enhance their ability, where needed, to identify mentally ill and substance abuse detainees.
- (7) Establish criteria for measuring the outcome of the program.
- (8) Devise a plan for minimizing cost through service integration and coordination.
- (9) Lobby Federal and State governments to improve funding resources for Jail Diversion Program services.
- (10) Request that the County apply for grants for support staff to the Advisory Panel.
- (11) Recommend procedures to ensure nondiscriminatory opportunities for Detainees to participate in a diversion program.

DIVISION 5. DATABASES

Sec. 46-281. Establishment of.

Law enforcement, the State's Attorney's Office and the Probation Department are requested to maintain a data base of information regarding persons who have been diverted by their respective agencies in order to assist in identifying "repeat" offenders who may have been previously diagnosed with a mental illness and/or mental illness with co-occurring substance abuse disorder.

DIVISION 6. EVALUATIONS

Sec. 46-306. Police evaluations.

Law enforcement is encouraged to include the following criteria for evaluation of police response to crises involving mentally ill and substance abuse offenders. Evaluations of police responses should be consistently conducted on a case-by-case basis to determine the quality of the processes that law enforcement use to respond to mentally ill and substance abuse detainees. Evaluation Criteria should include, but not be limited to, the following:

- (1) Was there any significant violence or harm done to the subject, the general public or law enforcement officials during the process of apprehension?
- (2) Was the crisis resolved on the scene? At the police station? Or elsewhere?
- (3) Were family members alerted and included in the problem resolution process?
- (4) Was the detainee transported or referred to the appropriate service provider when warranted?
- (5) Was the detainee formally incarcerated? If so, for what length of time?
- (6) Did law enforcement take advantage of community-based resources and were the resources readily available as well as suitable for the situation?
- (7) Was this a "repeat encounter" with the detainee within a year, six months, 90 days, or 45 days?

Sec. 46-307. Performance measurement standards.

In providing funding for provider services relating to mentally ill and substance abuse detainees, the County may consider:

- (1) Performance measurements for mental health service providers as recommended by the County Bureau of Health Services consistent with the Illinois Mental Health and Developmental Disabilities Code and standards of professional organizations including, but not limited to, the Illinois Psychological Association and the National Association of Clinical Social Workers.
- (2) Performance measurements for substance abuse service providers as recommended by the County Bureau of Health Services consistent with standards as set forth by the Illinois Department of Human Services, formerly known as the Illinois Department of Alcoholism and Substance Abuse.
- (3) Performance measurement criteria shall include, but shall not be limited to, the following:
 - a. Case management.
 - b. Total number of detainees seen per quarter.

- c. Number of appointments made by detainee and percentage of those kept.
- d. Documentation that confirms detainees living arrangements.
- e. The amount of periodic follow-up conducted with family-based detainees to determine if basic needs were being met.
- f. Current and accurate detainee records that are available for review by any appropriate governmental agency.
- g. Rate of recidivism.
- h. Progress report of the detainee's efforts in accordance with the individualized treatment plan.

Effective Date: This amended ordinance shall be in effect immediately upon adoption.

Commissioner Murphy, seconded by Commissioner Reyes, moved to approve Substitute Communication No. 304534. The motion carried.

Commissioner Butler voted No on Communication No. 304534.

304536 AN AMENDMENT TO THE CANNABIS POSSESSION ORDINANCE (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Earlean Collins, County Commissioner.

PROPOSED ORDINANCE AMENDMENT

CANNABIS POSSESSION

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 58, Offenses and Miscellaneous Provisions, Article VI, Offenses Against Public Peace, Section 58-170 of the Cook County Code is hereby amended as follows:

ARTICLE VI. OFFENSES AGAINST THE PUBLIC PEACE

Sec. 58-170. Possession of cannabis.

(a) *Definitions.* All terms and phrases used herein shall have the same meaning as ascribed to them in the Cannabis Control Act (720 ILCS 550/1 et seq.); except the term "person" is limited to natural persons who have attained the age of seventeen (17) years or more.

(b) *Offense of possession of cannabis* A person commits the offense of possession of cannabis within the unincorporated area of Cook County or areas of enforcement by the Cook County Sheriff's Office by knowingly possessing ten (10) grams or less of any substance containing cannabis unless permitted or authorized

to do so pursuant to the Cannabis Control Act (720 ILCS 550/1 et seq.).

(c) *Violations, Penalties.*

(1) Any person violating subsection (b) shall be subject to a mandatory fine of not less than two hundred dollars (\$200.00).

(2) Any motor vehicle which is used in any manner to facilitate the possession of cannabis in violation of subsection (b) shall be subject to seizure and impoundment pursuant to Section 58-164.

(d) *Administrative adjudication.* Any person issued a notice of violation for violation of subsection (b) of this Section may request an administrative hearing in accordance with Chapter 2 Administration, Article IX, Administrative Hearings of this Code.

***REFERRED TO THE COMMITTEE ON CRIMINAL JUSTICE 1/12/10.**

Vice Chairman Beavers, seconded by Commissioner Murphy, moved to approve Communication No. 304536. Commissioner Peraica called for a Roll Call, the vote of yeas and nays being as follows:

**ROLL CALL ON MOTION TO APPROVE
COMMUNICATION NO. 304536**

Yeas: Chairman Collins, Vice Chairman Beavers, Commissioners Peraica, Steele and Suffredin (5)

Nays: Commissioners Butler, Claypool, Daley, Gorman, Goslin, Moreno, Murphy, Reyes, Schneider and Silvestri (10)

Absent: Commissioners Gainer and Sims (2)

The motion to Approve Communication No. 304536 FAILED.

Chairman Collins asked the Secretary to the Board to call upon the registered public speaker, in accordance with Cook County Code, Sec. 2-108(dd):

1. George Blakemore - Concerned Citizen

Commissioner Silvestri moved to adjourn the meeting, seconded by Commissioner Gorman. The motion carried and the meeting was adjourned.

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTIONS
WITH REGARD TO THE MATTERS NAMED HEREIN:**

Communication Numbers 304533

Communication Numbers 304534

Communication Numbers 304536

Approved As Amended

Substitute Approved As
Amended

~~Failed~~ Not Approved

Respectfully submitted,
Criminal Justice Committee

Earlean Collins, Chairman

Attest:

Matthew B. DeLeon, Secretary

The transcript and audio recording for this meeting is available from the Office of the Secretary to the Board, 118 North Clark Street, Room 567, Chicago, IL 60602.